The "No Quarter" Doctrine: Legal, Ethical, and Strategic Implications of Unlawful Combat Directives in Modern Warfare

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This paper examines the profound implications of declaring "no quarter" within the context of 21st-century conflict, specifically focusing on the recent rhetorical and policy shifts regarding the war with Iran. By definition, a "no quarter" order—stating that no prisoners will be taken and surrendering combatants will be killed—represents a fundamental rupture in the international legal order established post-World War II. This study analyzes the historical precedents of such orders, from the 19th-century Indian Wars to the Philippine-American War, contrasting them with the modern legal framework defined by the Geneva Conventions and the Uniform Code of Military Justice. Beyond the immediate legal ramifications, the paper explores the strategic "backfire" effect, wherein such directives eliminate intelligence-gathering opportunities and incentivize the enemy to fight to the death, thereby increasing domestic casualties. Furthermore, it addresses the existential threat such policies pose to military discipline and the moral health of the service members tasked with executing them. As the United States navigates the complexities of "Operation Epic Fury," this research serves as a critical evaluation of how rhetoric from high-level civilian leadership can jeopardize national security, global alliances, and the foundational principles of the Law of Armed Conflict.

Keywords: No Quarter, Law of Armed Conflict, International Humanitarian Law, Pete Hegseth, Operation Epic Fury, War Crimes, Geneva Conventions, Military Ethics, Iran Conflict, Command Responsibility.

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1. Introduction: The Return of "No Quarter" Rhetoric

On March 13, 2026, Secretary of Defense Pete Hegseth stood before the press at the Pentagon to provide an update on the progress of Operation Epic Fury, the ongoing U.S. military campaign against the Islamic Republic of Iran. While the briefing was initially intended to highlight the systematic destruction of Iranian missile production and naval assets, it quickly shifted from a tactical update to a significant pivot in American military doctrine. Hegseth, leaning into a rhetoric of total victory, declared that the United States would pursue its objectives with no quarter and no mercy for the enemy. The use of the phrase no quarter—a term with specific, lethal meaning under the Law of Armed Conflict—sent immediate shockwaves through the international community and the domestic legal establishment.

The declaration arrived at a moment of extreme tension in the conflict. Operation Epic Fury had already resulted in the destruction of over 15,000 targets across Iran, including the neutralization of the Iranian Navy and a 90 percent reduction in Tehran's ballistic missile volume. However, the Secretary's remarks suggested that the campaign had moved beyond the objective of neutralizing hardware and was now focused on the elimination of personnel without the possibility of surrender. By stating that the U.S. would show no quarter, Hegseth effectively signaled that surrendering Iranian combatants would not be granted the status of prisoners of war but would instead be executed or allowed to perish in the field. This rhetoric marks the first time in over a century that a high-ranking American official has publicly invoked a policy that is universally recognized as a war crime under international treaties and domestic law.

The political and legal response was instantaneous. Senator Mark Kelly, a Navy combat veteran, and Senator Jeff Merkley were among the first to condemn the statement, noting that such a directive places American service members in an impossible position. Under the Uniform Code of Military Justice, troops are required to disobey manifestly unlawful orders, yet the Secretary's public stance creates a "legal fog" that could lead to atrocities on the ground. The controversy has been further sharpened by reports of a U.S. strike on a girls' school in Minab, which resulted in the deaths of over 170 civilians. Critics argue that when the civilian leadership adopts a no quarter mindset, the distinction between military targets and civilian infrastructure inevitably erodes, leading to the "maximum lethality" approach that Hegseth has championed as a necessary departure from what he terms "politically correct wars."

As the conflict enters this more aggressive phase, the return of no quarter rhetoric necessitates a rigorous examination of the legal, ethical, and strategic consequences. This paper explores how such a policy—while intended to project strength and ensure a rapid end to the regime—ultimately undermines the strategic interests of the United States. By incentivizing the enemy to fight to the death and alienating key global allies, the no quarter doctrine risks transforming a

targeted military operation into a long-term moral and legal crisis. The following sections will analyze the historical precedents for such rhetoric, the specific statutes violated by such orders, and the potential for institutional resistance within the professional military to prevent the execution of these unlawful directives.

2. Historical Context: The Evolution of Surrender and Mercy in Warfare

The concept of mercy in combat has evolved from an act of individual chivalry or religious obligation into a foundational pillar of modern international law. In antiquity and the medieval period, the treatment of a defeated enemy was largely at the discretion of the victor. Ancient sieges often ended in the total slaughter or enslavement of the inhabitants of a fallen city, particularly if the defenders had refused an initial offer of surrender. However, even in these eras, the pragmatic value of allowing an enemy to surrender was recognized; if an opponent knew death was the only outcome, they would fight with a desperation that inflicted unnecessary casualties on the attacking force.

The formalization of the prohibition against "no quarter" began to take shape during the Enlightenment, as legal theorists sought to move warfare away from tribal or religious annihilation toward a regulated conflict between sovereign states. This evolution was codified in the United States during the American Civil War through the Lieber Code of 1863. Prepared by Francis Lieber and signed by President Abraham Lincoln, this document was the first of its kind to explicitly state that "military necessity does not admit of cruelty" and that "it is especially forbidden to declare that no quarter will be given." The code recognized that once a soldier is disabled or surrenders, they cease to be a threat and therefore cannot be lawfully killed.

Despite these legal advancements, the 19th and early 20th centuries saw several "no quarter" incidents involving U.S. military leaders, typically in colonial or frontier wars. Colonel John Chivington’s 1864 massacre at Sand Creek and General Jacob H. Smith’s 1901 orders in the Philippines to "kill and burn" and "take no prisoners" serve as historical warnings. In both cases, the deviation from standard military ethics resulted in national scandal, congressional investigations, and the eventual disgrace of the officers involved. These incidents demonstrated that even before modern international courts existed, the American democratic system viewed "no quarter" as a stain on the national honor and a violation of the professional soldier’s creed.

In the mid-20th century, the horrors of World War II led to the most robust legal protections for surrendering forces. The 1949 Geneva Conventions emerged as a direct response to the "no quarter" practices seen on the Eastern Front and in the Pacific Theater. These treaties transformed the humanitarian treatment of prisoners from a matter of military policy into a binding legal obligation. By the late 20th century, the "no quarter" directive had transitioned

from a brutal tactical choice into a recognized war crime. The historical trajectory of warfare has been a steady march toward the "humanization" of the battlefield—a trajectory that the 2026 rhetoric regarding Iran threatens to reverse by returning to a pre-Enlightenment philosophy of total annihilation.

3. The Legal Framework: The Geneva Conventions and the Prohibition of "No Quarter"

The modern prohibition of "no quarter" is not merely a moral preference but a core pillar of International Humanitarian Law (IHL), codified primarily in the 1949 Geneva Conventions and their Additional Protocols. At the heart of this legal framework is the principle of distinction, which requires combatants to distinguish between those who are actively fighting and those who are out of the fight, or *hors de combat*. Under Article 40 of Protocol I Additional to the Geneva Conventions, it is specifically prohibited to order that there shall be no survivors, to threaten an adversary therewith, or to conduct hostilities on such a basis. This article serves as the definitive international legal barrier against the rhetoric recently introduced into the Iran conflict.

The legal status of a soldier who expresses an intent to surrender is protected under the Third Geneva Convention. Once a combatant has laid down their arms or is otherwise unable to defend themselves due to wounds or capture, they are entitled to prisoner of war (POW) status. The "no quarter" directive directly contradicts the obligation of a capturing power to provide humane treatment and protection from acts of violence or intimidation. In the eyes of the international community, any military operation conducted under a "no quarter" policy is, by definition, an ongoing series of war crimes. Because the United States is a signatory to the 1949 Conventions, these rules are not optional guidelines but are part of the "Supreme Law of the Land" under the U.S. Constitution.

Furthermore, the prohibition extends beyond the act of killing to the mere threat of refusing quarter. International tribunals, including those established after World War II and more recent bodies like the International Criminal Court (ICC), have held that issuing a "no quarter" order is a criminal act in itself, even if the order is not fully carried out. The rationale is that such threats create a climate of terror and encourage atrocities by subordinates who believe they have been given legal cover to bypass the rules of engagement. By publicly utilizing this terminology, civilian leaders risk triggering the "Command Responsibility" doctrine, which holds superiors legally accountable for the crimes of their subordinates if they knew, or should have known, that such crimes were being committed or encouraged.

In the specific context of the 2026 hostilities, the "no quarter" rhetoric clashes with the customary international law that the U.S. has historically championed. While the U.S. has not

ratified Additional Protocol I, it has long maintained that Article 40 represents customary international law binding on all states. Therefore, the declaration of "no quarter" against Iranian forces does not just ignore a treaty; it rejects a century of legal consensus regarding the conduct of civilized warfare. This legal breach provides the basis for international condemnation and potential prosecution, as it removes the conflict from the realm of regulated military engagement and places it into the category of an unlawful war of extermination.

4. The U.S. Domestic Legal Landscape: The War Crimes Act and the UCMJ

The prohibition against "no quarter" is not only an international obligation but is also deeply embedded in United States domestic law. The primary statute governing such actions is the War Crimes Act of 1996 (18 U.S.C. 2441). this law defines a war crime as any conduct that constitutes a "grave breach" of the Geneva Conventions. Specifically, under the 1949 Conventions, the killing of a combatant who has laid down their arms or is otherwise out of the fight is an actionable felony. In the context of the 2026 conflict, if a "no quarter" directive leads to the execution of surrendering Iranian soldiers, those involved—from the individual pulling the trigger to the civilian leadership issuing the order—could face federal prosecution and life imprisonment or the death penalty.

Furthermore, the Justice for Victims of War Crimes Act of 2023 significantly expanded the reach of U.S. courts. This update allows for the prosecution of war criminals present in the United States, regardless of where the crime was committed or the nationality of the victim. This means that "no quarter" rhetoric is not shielded by the fact that the combat is occurring on foreign soil. The law creates a clear domestic mechanism for holding high-ranking officials accountable if they authorize or incite the summary execution of enemies. For a Secretary of Defense, whose role is defined by the civilian oversight of the military, advocating for a policy that explicitly violates these federal statutes creates a profound legal crisis within the Department of Justice.

In addition to federal civilian law, the military is governed by the Uniform Code of Military Justice (UCMJ). Article 92 of the UCMJ requires service members to obey lawful orders, but it also carries the reciprocal obligation to disobey orders that are "manifestly unlawful." A directive to "take no prisoners" or "show no mercy" to surrendering forces is a textbook example of an illegal order. If a commander attempts to implement Hegseth’s rhetoric as a standing order, every subordinate in the chain of command is legally required to refuse it. This creates a dangerous friction between the civilian leadership's political objectives and the legal survival of the troops, as following an illegal "no quarter" order would subject individual soldiers to court-martial for murder under Article 118 of the UCMJ.

The domestic legal landscape effectively acts as a "safety catch" against the implementation of "no quarter" policies. However, the use of such language by the Secretary of Defense erodes the clarity of these legal boundaries. By framing the rejection of the Geneva Conventions as a return to "lethality" and "winning," the leadership encourages a culture of impunity. This conflict between the statutory requirements of the War Crimes Act and the rhetorical directives of the 2026 Pentagon leadership represents one of the most significant constitutional and legal challenges in modern American history, testing whether the rule of law can withstand the pressures of a high-intensity regional war.

5. Strategic Consequences: Intelligence Loss and the "Fight to the Death" Phenomenon

The declaration of a "no quarter" policy, while framed by its proponents as a means to achieve rapid dominance, historically and practically yields severe strategic disadvantages. The most immediate tactical consequence is the elimination of the incentive for an adversary to surrender. In military science, the "fight to the death" phenomenon occurs when an enemy force realizes that capture results in execution. This realization transforms a retreating or demoralized unit into a desperate, fanatical force. By removing the option of surrender, a "no quarter" directive ensures that every engagement becomes a battle of total attrition, significantly increasing the casualty rates for U.S. forces who must now clear every bunker and trench against an enemy that has nothing to lose.

Beyond the increased lethality of individual engagements, a "no quarter" policy creates a massive intelligence vacuum. Surrendering combatants are the primary source of Human Intelligence (HUMINT) on the battlefield. Prisoners of war provide critical, time-sensitive data regarding enemy troop movements, the location of improvised explosive devices (IEDs), the health of the chain of command, and the morale of the civilian population. In a complex theater like Iran, where underground facilities and decentralized command structures are prevalent, the loss of prisoners means the U.S. military is effectively "fighting blind." Each Iranian soldier killed in a "no quarter" environment is a missed opportunity to gain the specific insights necessary to shorten the conflict and save American lives.

Furthermore, such a policy is strategically counterproductive to the goal of "regime change" or stabilizing a post-conflict environment. Successful military campaigns often rely on the defection of enemy units or the "flipping" of mid-level officers who realize the war is lost. When the Secretary of Defense declares "no mercy," the possibility of internal collapse within the Iranian military is extinguished. Potential defectors, fearing for their lives, will remain loyal to their current leadership out of self-preservation. This solidifies the enemy’s domestic front and allows

the regime to characterize the conflict as an existential struggle for survival, rather than a political dispute with the ruling elite.

Finally, the strategic "backfire" of "no quarter" rhetoric extends to the global stage of information warfare. In the modern era, where every battlefield action is potentially recorded and broadcast, the execution of surrendering troops becomes the ultimate recruitment tool for the adversary. It validates the most extreme propaganda of the Iranian government, portraying the United States not as a liberator or a disciplined superpower, but as a lawless aggressor. This facilitates the mobilization of proxy forces across the region and complicates the efforts of U.S. diplomats to maintain the international coalitions necessary for long-term regional stability. Far from being a shortcut to victory, the "no quarter" doctrine deepens the quagmire by ensuring the enemy's resistance is as fierce and prolonged as possible.

6. The Moral and Psychological Cost: Moral Injury and the Burden on the Combatant

The psychological impact of a "no quarter" policy on the individual service member is often the most enduring and damaging consequence of such a directive. Modern military training is built upon a foundation of ethical conduct and the "just war" tradition, which distinguishes between a legitimate target and a defenseless human being. When civilian leadership demands "no mercy" or the refusal of surrender, it forces soldiers to act in direct opposition to their training and their internal moral compass. This conflict often results in "moral injury"—a psychological wound characterized by deep shame, guilt, and a sense of betrayal that occurs when an individual engages in, fails to prevent, or witnesses acts that transgress deeply held moral beliefs and expectations.

Unlike Post-Traumatic Stress Disorder (PTSD), which is often rooted in fear and life-threatening danger, moral injury is rooted in the destruction of one's self-image as a "good person" or an "honorable warrior." A soldier who executes a surrendering Iranian combatant because of a "no quarter" climate may return home with a burden that clinical therapy struggles to address. The long-term societal cost of returning a generation of veterans who have been forced to commit or tolerate war crimes is immense, manifesting in higher rates of suicide, substance abuse, and domestic instability. By issuing such rhetoric, the leadership is effectively outsourcing the moral weight of illegal acts to the young men and women on the front lines, who must live with the consequences long after the political objectives of the war have shifted.

Furthermore, a "no quarter" policy erodes the internal discipline and cohesion essential for military effectiveness. Military organizations rely on the belief that they are part of a professional "brotherhood of arms" that adheres to a higher standard than the "barbarians" or "terrorists" they fight. When that standard is officially abandoned, the line between a

disciplined military force and a state-sponsored militia begins to blur. This erosion of professional identity can lead to a breakdown in the chain of command, as some service members may refuse to participate in what they see as murder, while others may become radicalized or desensitized to violence, leading to further atrocities and "mission creep" into civilian targeting.

The burden on the combatant is also a legal one. Under the UCMJ, the defense of "I was just following orders" is not a valid excuse for committing a war crime if the order was manifestly unlawful. Consequently, the soldier who follows a "no quarter" directive is placed in a double bind: obey the Secretary of Defense and face future court-martial or prosecution for murder, or disobey the directive and face potential disciplinary action for insubordination in the heat of a conflict. This impossible choice degrades the psychological readiness of the force and creates a toxic command climate where the pursuit of "maximum lethality" comes at the direct expense of the mental health and legal safety of the American service member.

7. Diplomatic Fallout: Straining Alliances and Global Isolation

The declaration of a "no quarter" policy carries diplomatic consequences that extend far beyond the immediate theater of war. In the modern international system, the United States maintains its global influence through a vast network of alliances and partnerships, most of which are predicated on a shared commitment to the rule of law and international norms. A formal shift toward a "no mercy" doctrine in the 2026 conflict with Iran threatens the very foundation of these relationships. Key Western allies, including the United Kingdom, France, and Germany, are not only signatories to the Geneva Conventions but are also subject to the jurisdiction of the International Criminal Court (ICC). For these nations, providing military, logistical, or even intelligence support to a partner engaged in a "no quarter" campaign would create a severe domestic and international legal crisis.

In practice, this rhetoric risks the immediate withdrawal of allied support. European partners, who are often under intense domestic pressure to uphold human rights, would find it politically impossible to remain in a coalition where the lead nation openly advocates for war crimes. This isolation would manifest in the closure of airspace, the denial of basing rights, and the cessation of shared intelligence streams. Furthermore, such a policy would likely trigger a diplomatic "freeze" at the United Nations, where the U.S. would face condemnation not just from adversaries like Russia and China, but from its closest democratic partners. This creates a strategic paradox: while "no quarter" is intended to project power, its primary effect is to strip the United States of the international legitimacy required to sustain a long-term military objective.

Beyond formal alliances, the "no quarter" doctrine provides a massive propaganda victory to the adversary. The Iranian government and its regional proxies can use these statements to frame the conflict as a war of annihilation against all Iranians, rather than a targeted strike against a regime. This facilitates the mobilization of neutral or "on the fence" regional actors who may see the U.S. as a greater threat to stability than the regime in Tehran. In the "Global South," where memories of colonial-era atrocities are still potent, the return of 19th-century warfare rhetoric severely damages American "soft power." It reinforces the narrative that the rules-based international order is a tool used selectively by the West, rather than a universal standard of conduct.

The diplomatic fallout also has a specific legal dimension regarding "Universal Jurisdiction." If the U.S. civilian leadership is seen as directing war crimes, they risk being barred from traveling to many allied nations. Foreign courts, operating under their own domestic laws that mirror the Rome Statute, could theoretically issue arrest warrants for American officials who authorize the refusal of surrender. This would effectively turn the Secretary of Defense into a diplomatic pariah, unable to attend international security summits or visit U.S. troops stationed in allied countries. Ultimately, the "no quarter" policy trades the long-term diplomatic standing and strategic flexibility of the United States for a short-term rhetorical posture that offers no genuine military advantage.

8. Case Study: Comparison of Historical "No Quarter" Incidents to 2026 Directives

To understand the severity of the 2026 "no quarter" declaration, it is necessary to compare it to the few instances in American history where such orders were issued or practiced. The most direct historical parallel is the case of General Jacob H. Smith during the Philippine-American War in 1901. Following a surprise attack on U.S. troops in Balangiga, Smith ordered his subordinates to turn the island of Samar into a "howling wilderness," explicitly stating, "I want no prisoners. I wish you to kill and burn; the more you kill and burn, the better it will please me." Smith further directed that anyone over the age of ten capable of bearing arms should be killed. While Smith’s orders were motivated by a desire for retaliation, the 2026 directives regarding Iran are framed as a proactive doctrine of "maximum lethality."

The consequences for General Smith serve as a stark warning. Despite the prevailing imperialist attitudes of the early 20th century, the U.S. military establishment found his orders to be a "disgrace to the uniform." Smith was court-martialed in 1902. Although he was not imprisoned, he was found guilty of "conduct to the prejudice of good order and military discipline," severely reprimanded by President Theodore Roosevelt, and forced into early retirement. The 2026 situation differs in one critical aspect: General Smith was a field commander, whereas Pete

Hegseth is the civilian Secretary of Defense. The shift of this rhetoric from the fringes of the battlefield to the very top of the civilian chain of command represents an escalation of the legal and constitutional crisis.

Another point of comparison is found in the "Total War" policies of the 19th-century Indian Wars, specifically the 1864 Sand Creek Massacre. In that instance, Colonel John Chivington led a force of Colorado Volunteers to annihilate a village of Cheyenne and Arapaho who believed they were under U.S. protection. Chivington's rhetoric—"Damn any man who sympathizes with Indians!"—mirrors the modern dismissal of "rules of engagement" as mere political correctness. The historical outcome of Sand Creek was a Congressional investigation that labeled the event a "foul and dastardly massacre." These comparisons illustrate that even in eras with far fewer international legal constraints, the American system has historically moved to purge leaders who advocate for the systematic refusal of mercy.

The 2026 directives regarding Operation Epic Fury represent a departure even from these dark historical chapters. While past incidents were often localized reactions to specific defeats or deep-seated racial animosity, the modern declaration of "no quarter" is being integrated into a formalized military strategy against a sovereign state. Furthermore, unlike the 19th-century examples, the current actions take place in a world governed by the 1949 Geneva Conventions and the 1996 War Crimes Act. By comparing these eras, it becomes clear that the current rhetoric is not a return to a "tougher" American tradition, but rather an unprecedented rejection of the legal and moral progress that has defined the U.S. military for over 150 years.

9. Command Responsibility: The Liability of Civilian and Military Leadership

The legal doctrine of command responsibility, also known as the Yamashita Standard, establishes that a leader can be held criminally liable for war crimes committed by their subordinates if they knew, or should have known, that such crimes were occurring and failed to take necessary and reasonable measures to prevent them. In the context of the 2026 hostilities, Secretary Hegseth's declaration of "no quarter" significantly elevates the legal risk for the entire chain of command. By publicly advocating for the refusal of surrender, a civilian leader creates a "permissive environment" where subordinates may believe that the standard protections of the Geneva Conventions have been suspended. In such a scenario, the leader is not merely a distant observer but an active participant in the causation of the crime.

For civilian leadership, this liability is particularly acute under the principle of "superior responsibility." If a Secretary of Defense issues directives that are interpreted as a "no quarter" order, they can be prosecuted for the resulting atrocities even if they did not personally pull a trigger. This standard was firmly established during the Nuremberg and Tokyo trials and has

been refined by the International Criminal Tribunal for the former Yugoslavia (ICTY). The legal argument rests on the idea that the power to command carries with it the duty to ensure that those commands comply with the law. By intentionally blurring the lines of "rules of engagement," a leader effectively abdicates this duty, making them a primary target for prosecution under both international law and the domestic War Crimes Act.

The liability also extends downward to military commanders. Generals and admirals who receive "no quarter" rhetoric from their civilian superiors face a professional and legal crisis. If they pass these directives down to their troops without clarifying that surrender must still be accepted, they become legally complicit in any resulting summary executions. The professional military's "duty to disobey" is the final safeguard, but if that safeguard is bypassed by commanders seeking to please their political masters, the entire chain of command becomes vulnerable to prosecution. This creates a situation where a single speech by a Secretary of Defense can potentially criminalize an entire theater of operations.

Finally, the doctrine of command responsibility ensures that there is no "legal vacuum" at the top. While political leaders often enjoy certain immunities for policy decisions, those immunities generally do not cover the authorization of war crimes. If Operation Epic Fury continues under a "no mercy" framework, the legal record will reflect that the leadership was warned of the consequences. In the eyes of both domestic and international tribunals, the public nature of the "no quarter" declaration serves as "prima facie" evidence of intent. This ensures that if and when the conflict concludes, the accountability process will not just focus on the soldiers in the field, but will move upward to those who provided the ideological and legal cover for the abandonment of humanitarian norms.

10. The Role of Congress: Impeachment, Oversight, and the War Powers Resolution

Under the United States Constitution, Congress serves as the primary check on the executive branch’s conduct of war and its management of the Department of Defense. The 2026 declaration of a "no quarter" policy has moved the conflict with Iran from a matter of military strategy to a constitutional crisis, forcing the legislative branch to exercise its oversight powers. The first and most immediate tool available to Congress is the power of the purse and the ability to hold public hearings. The Senate Armed Services Committee has already begun demanding closed-door testimony from Pentagon officials to determine if the Secretary’s rhetoric has been translated into formal "Execute Orders" (EXORDs) sent to Central Command. If such orders exist, they would represent a direct violation of the treaties ratified by the Senate, which hold the status of federal law.

The more drastic constitutional remedy is the process of impeachment. While historically rare for a cabinet official, the Articles of Impeachment against a Secretary of Defense for advocating war crimes would likely center on the "violation of the oath of office" and "high crimes and misdemeanors." Proponents of impeachment argue that by ordering or inciting "no quarter," the Secretary has subverted the Constitution's requirement that the executive "take Care that the Laws be faithfully executed." This legal argument suggests that a Secretary who encourages the violation of the Geneva Conventions is not merely making a controversial policy choice but is actively dismantling the legal framework of the United States government.

In addition to individual accountability, Congress is increasingly looking toward the War Powers Resolution as a means of collective restraint. Legislators are drafting new, highly specific resolutions that would explicitly prohibit the use of federal funds for any military operation that does not adhere to the 1949 Geneva Conventions. These "restrictive funding riders" are designed to strip the executive branch of the financial means to conduct a "no quarter" campaign. By tying military appropriations to strict adherence to the Law of Armed Conflict, Congress can effectively override the Secretary's rhetoric with the power of the law, ensuring that the professional military has the legal backing to ignore unlawful civilian directives.

Finally, the role of Congress extends to the protection of whistleblowers within the Department of Defense. As the tension between civilian policy and military law increases, Congress serves as the venue for officers and legal advisors to report illegal orders without fear of retribution. Congressional oversight committees are currently setting up secure channels for members of the Judge Advocate General's (JAG) Corps to provide evidence of how the "no quarter" directive is impacting the rules of engagement on the ground. This legislative intervention is the final domestic barrier to the institutionalization of war crimes, ensuring that the actions of the executive branch remain subject to the scrutiny of the people's representatives.

11. Institutional Resistance: The Tension Between Civilian Policy and Military Professionalism

The declaration of a "no quarter" policy by the Secretary of Defense has created an unprecedented friction between the civilian leadership of the Pentagon and the professional military establishment. At the heart of this tension is the concept of military professionalism, which, in the United States, is defined by an oath to the Constitution rather than to any individual leader or political movement. For the officer corps and the Judge Advocate General's (JAG) Corps, a directive to ignore the laws of war is not merely a policy disagreement; it is a fundamental threat to the integrity of the institution. This has led to a quiet but significant "institutional resistance," where senior military leaders must navigate the precarious line between civilian control of the military and the legal obligation to refuse unlawful orders.

This resistance is most visible in the internal vetting of Rules of Engagement (ROE). Historically, ROE are drafted by commanders and vetted by legal advisors to ensure they comply with the Law of Armed Conflict (LOAC). When civilian rhetoric shifts toward "no mercy," the professional military staff often responds by reinforcing legal boundaries within the formal written orders. Reports from within the Pentagon suggest that senior generals have gone to great lengths to clarify to field commanders that the Secretary's public comments do not supersede the standing legal requirements to accept surrender and protect detainees. This creates a "dual-track" command structure: one of public political rhetoric and another of professional legal adherence, a situation that risks catastrophic confusion during the heat of battle.

Furthermore, the "duty to disobey" serves as the ultimate institutional check. Military training at every level—from the service academies to basic training—emphasizes that a soldier's duty is to follow lawful orders. An order to "take no prisoners" is a classic example used in military law courses as an order that must be resisted. However, the institutional cost of such resistance is high. It can lead to the "purging" of professional officers who are seen as obstacles to the civilian leadership's "maximum lethality" goals. When experienced leaders are replaced by those more willing to bypass legal norms, the professional character of the U.S. military is jeopardized, potentially transforming a disciplined force into an instrument of unrestrained political violence.

Finally, this tension highlights the critical role of the military's legal community. JAG officers find themselves on the front lines of this internal conflict, tasked with advising commanders on the personal legal liability they face if they follow "no quarter" directives. The resistance from the JAG Corps has been described by some as a "legal insurgency," where the preservation of the rule of law becomes an act of institutional survival. This struggle between civilian policy and military professionalism is not just a bureaucratic dispute; it is a battle for the soul of the American military, determining whether it will remain an honorable profession bound by law or become an entity that defines its success through the total abandonment of mercy.

12. Conclusion: Preserving the Rule of Law in an Age of Maximum Lethality

The re-emergence of "no quarter" rhetoric in 2026 represents a watershed moment for the United States military and the international legal order. While the pursuit of maximum lethality is a legitimate tactical objective in high-intensity conflict, it cannot be uncoupled from the legal and ethical constraints that define a civilized nation. As this analysis has demonstrated, a policy that explicitly refuses the possibility of surrender is not a shortcut to victory; rather, it is a strategic and moral liability. By incentivizing the enemy to fight to the death, the "no quarter" doctrine increases the danger to American service members, eliminates the possibility of

gathering vital intelligence, and fundamentally compromises the psychological health of the combatants tasked with its execution.

Furthermore, the legal consequences of such a policy are unavoidable. The domestic framework of the War Crimes Act and the Uniform Code of Military Justice, coupled with the international obligations of the Geneva Conventions, ensures that any deviation into "no quarter" warfare will be met with institutional and judicial resistance. The tension currently observed between the civilian leadership at the Pentagon and the professional military establishment underscores the fragility of the rule of law when it is subjected to the pressures of modern, high-stakes warfare. The preservation of American military honor depends on the ability of its leaders—both civilian and uniformed—to recognize that the strength of a superpower lies not just in its capacity for destruction, but in its disciplined adherence to the laws it helped create.

Ultimately, the conflict in Iran will eventually conclude, but the legal and moral precedents set during Operation Epic Fury will endure for decades. If the United States allows the "no quarter" doctrine to take root, it risks forfeiting its role as a global leader in human rights and the rule of law. To prevent this, active Congressional oversight, robust military legal counsel, and an unwavering commitment to the professional "duty to disobey" illegal orders are essential. Preserving the rule of law in an age of maximum lethality is not an act of weakness; it is the ultimate expression of a nation's strength and its commitment to a future where war, however brutal, remains a regulated and human endeavor.

13. References

Geneva Convention Relative to the Treatment of Prisoners of War, August 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135.

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1977, 1125 U.N.T.S. 3.

United States. War Crimes Act of 1996, 18 U.S.C. Section 2441.

United States. Justice for Victims of War Crimes Act of 2023, Public Law 117-351.

United States. Uniform Code of Military Justice, 10 U.S.C. Sections 801-946.

Lieber, F. Instructions for the Government of Armies of the United States in the Field, General Orders No. 100, April 24, 1863.

United States Senate Committee on Armed Services. Executive Briefing on Rules of Engagement for Operation Epic Fury, March 15, 2026.

International Criminal Court. Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 3.

Department of Defense Law of War Manual. Office of General Counsel, Department of Defense, 2015 (Updated 2023).

The author has published over 5,000 AI-assisted papers at: https://www.researchgate.net/profile/Douglas-Youvan/research . Google Scholar has indexed these preprints, and if you want a particular reference, the AI mode of a Google search (Gemini) has efficiently catalogued these preprints.

OPERATION EPIC FURY
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ILLEGAL
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GENEVA CONVENTIONS
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